

ISSUE #1

MARKUP #1 ->

7. **Temporary Road Closures.** Members are permitted to temporarily block an Association roadway during daylight hours for construction, deliveries, tree removal, moving or similar short-term needs.

8. **Rights-of-Way Access and Maintenance.** The Association retains the right to build and maintain all roads located within the rights-of-way laid out in the original Deer Lake plans, as well as to install and maintain necessary drainage to protect the roads, and road signs for safety, etc. Association personnel and/or contractors are authorized to undertake road-related activities in any part of any such right-of-way, including on portions of a member's property that borders a roadway. All members and their families and guests (and leashed pets) are also permitted to be present anywhere within a right-of-way where there is an existing roadway when safety concerns so require, though members are encouraged to stay on the roadways themselves as much as possible.

For the safety of all members and vehicles using Association roads, any boulders, tree limbs, shrubs or other obstructions or plantings on a member's property that intrude into the right of way, obscure any road signs or overhang any Deer Lake roadway so as to pose a hazard to vehicular traffic, including large emergency vehicles, must be trimmed back or removed by the member at the member's expense. The Association will notify members of any hazard and in the absence of corrective action by the member within a reasonable time, will perform any necessary maintenance – the cost of which shall be charged to the member's account. (This procedure does not apply to the Lafayette Trail boulevard and circle, which are in a right-of-way totally surrounded by pavement, all of which will be maintained exclusively by the Association.)

E. **MEMBER OWNED PROPERTY RULES**

1. **Building Restrictions/Association Approval Required.** All of the building restrictions contained in the recorded Deer Lake Covenants (available on the Association's website) are incorporated herein by reference and shall apply to any buildings or other structures on a member's Deer Lake property. As provided therein, all plans, specifications and location for any construction related to such buildings and structures must be reviewed and approved in writing by the Association or its representative.

As provided in the Deer Lake Covenants, no fencing may be erected on a member's property without Association approval. Subject to such approval in any specific case, the following general rules shall apply: fencing should be limited as much as possible, and confined to backyard areas unless there are special circumstances; natural materials should be used, in colors that blend into the landscape; no chain link, uncoated/galvanized metal, vinyl, plastic or light colors should be used.

2. **Maintenance.** Members shall maintain the exterior of their Deer Lake property, including any yards, grounds, trees, shrubs or other plantings, sheds, carports, garages and/or other structures, in a safe and attractive condition. All trash or other debris shall be properly bagged or placed in trash cans, which shall be kept in a location out of sight from the road and only moved to the curb on days when there is trash collection; all trash cans shall be removed

MARKUP #1 · FAIR HOUSING ACT (FHA) LIABILITY RISK

BOARD & COUNSEL REVIEW

Sec. ROADWAYS (p. 11): Pet restriction clause lacks mandatory statutory carveout for assistance and emotional support animals.

Statutory / Legal Reference: 42 U.S.C. § 3604(f)(3)(B) & 24 C.F.R. § 100.204 (Fair Housing Act - Assistance Animals) & HUD FHEO-2020-01

Statutory Comparison: Under federal Fair Housing Act regulations (42 U.S.C. § 3604(f)(3)(B), 24 C.F.R. § 100.204, and HUD Notice FHEO-2020-01), associations cannot apply pet restrictions, breed bans, weight limits, or pet fees/deposits to an individual with a disability who requires a service animal or emotional support animal.

CURRENT WORDING IN DOCUMENT:

roadway. All members and their families and guests (and leashed pets) are also permitted to be present anywhere within a right-of-way where there is an existing roadway when safety concerns so require, though members are encouraged to stay on the roadways themselves as much as possible.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided, however, that these pet restrictions, breed prohibitions, weight limitations, and pet fees shall not apply to verified assistance animals, including service animals and emotional support animals required as a reasonable accommodation under the Fair Housing Act (42 U.S.C. § 3604(f)(3)(B); 24 C.F.R. § 100.204; HUD Notice FHEO-2020-01).